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15 *Attorneys for Plaintiffs*

16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEW MEXICO

18 FRANKLIN GOMEZ CARRANZA and
19 RUBEN TORRES JAUREGUI,

20 Plaintiffs,

21 v.

22 UNITED STATES IMMIGRATION AND
23 CUSTOMS ENFORCEMENT, et al.,
24 Defendants.

Case No. 20-CV-424

**DECLARATION OF PAIGE PAVONE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION AND
APPOINTMENT OF CLASS COUNSEL**

1 I, Paige Pavone, declare as follows:

- 2 1. I am an attorney in private practice and a Managing Associate at Orrick, Herrington
3 & Sutcliffe LLP, where I am currently employed. The following facts are based on
4 my personal knowledge and, if called to testify to these facts, I could and would do so
5 competently.
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- 7 2. I have been practicing law as a licensed attorney since 2016 and from 2017 to 2018
8 I clerked for the Honorable Dora L. Irizarry in the United States District Court for the
9 Eastern District of New York.
- 10 3. I have worked closely with the partner responsible for this action, R. David Hosp.
11 R. David Hosp has tried matters to both juries and judges, and his more notable cases
12 include serving as lead trial counsel for the *New York Times* and *The Boston Globe* in
13 *Gatehouse v. The New York Times*, Civ. Action No. 08-12114-WGY (D. Mass. 2009)
14 and as lead trial counsel in the successful defense of his client Recorded Books against
15 trademark and copyright claims in *Brilliance Audio v. Hights Cross*
16 *Communications*, 474 F.3d 365 (6th Cir. 2007). He has been recognized as a leading
17 practitioner in *The American Lawyer*, *The World Trademark Review 100*, and *The*
18 *Legal 500*.
19
- 20 4. I have also worked closely with the other attorney responsible for this action, Rene
21 Kathawala. From 2004 to 2005, Rene Kathawala clerked for the Honorable Leo
22 Glasser in the United States District Court for the Eastern District of New York. Rene
23 Kathawala has a long-standing commitment to access to justice issues, and this was
24 recognized when he was appointed to serve as a member of the New York City Bar
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1 Association Right to Counsel Task Force and the New York City Bar Association
2 Family Court Judicial Appointment & Assignment Process Work Group.

- 3 5. The associates assigned to this matter, Lauren Allen and I, have significant experience
4 litigating complex class actions in federal court.
- 5 6. Orrick has approximately 1,000 attorneys and approximately 250 attorneys in the New
6 York office alone.
- 7 7. Orrick is uniquely situated to represent the class in this case because it was pro-bono
8 co-counsel with the American Civil Liberties Union (“ACLU”) of Northern California
9 in a similar class action suit against U.S. Immigration Customs and Enforcement
10 (“ICE”) detention facilities in the Northern District of California. *See* First
11 Supplemental Complaint for Injunctive and Declaratory Relief, *Lyon et al v. I.C.E. et*
12 *al*, No. 13-cv-05878-EMC (N.D. Cal. Aug. 27, 2015), Dkt. No. 99. In that action,
13 Orrick and the ACLU of Northern California asserted that the Northern California ICE
14 facilities were not providing adequate telephone access for detained immigrants to
15 contact their attorneys. *Id.* Orrick and the ACLU of Northern California successfully
16 entered into a settlement agreement with ICE and the Department of Homeland
17 Security (“DHS”), whereby ICE and DHS agreed to implement certain procedures and
18 practices that would ensure that class members were able to contact their attorneys via
19 the telephone. *See* Settlement Agreement, *Lyon*, No. 13-cv-05878-EMC (N.D. Cal.
20 Oct. 31, 2016), Dkt. No. 208-1; *see also* *ACLU Settlement with ICE Will Allow*
21 *Immigrants Held in Detention to Use Functional Telephones for Contacting Lawyers,*
22 *Families, Government Agencies*, ACLU NOR CAL (June 13, 2016),
23 <https://www.aclunc.org/news/aclu-settlement-ice-will-allow-immigrants-held->
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[detention-use-functional-telephones-contacting](https://www.colorlines.com/articles/ice-agrees-overhaul-phone-policy-immigrant-detainees); Kenrya Rankin, *ICE Agrees to Overhaul Phone Policy for Immigrant Detainees*, COLORLINES (June 15, 2016), <https://www.colorlines.com/articles/ice-agrees-overhaul-phone-policy-immigrant-detainees>.

8. Since January 2020, Mr. Hosp, Mr. Kathawala, Ms. Allen, and I have been working on a pro bono basis to investigate telephone access afforded to detained immigrants in the Otero County Processing Center and the El Paso Processing Center. We have researched the applicable laws and corresponded with various interested and knowledgeable parties to investigate this matter. Based on this work, we are familiar with the issues facing members of the proposed class in this action, specifically including the factual and legal elements presented.
9. Orrick has the capacity to thoroughly and vigorously prosecute the claims in this case and properly represent the plaintiff class and intends to commit all necessary resources to do so.
10. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on May 13, 2020 in Norfolk, Virginia.

By: /s/ Paige Pavone
PAIGE PAVONE